



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

Commissioner of Education  
President of the University of the State of New York  
89 Washington Avenue, Room 111  
Albany, New York 12234

E-mail: [commissioner@nysed.gov](mailto:commissioner@nysed.gov)  
Twitter: @NYSEDNews  
Tel: (518) 474-5844  
Fax: (518) 473-4909

July 25, 2017

Hon. Velmanette Montgomery  
New York State Senate  
903 Legislative Office Building  
Albany, NY 12247

Dear Senator Montgomery,

Thank you for contacting the State Education Department regarding accountability measures for transfer high schools outlined in our draft Every Student Succeeds Act (ESSA) plan. In the Department's revised plan released last week, the Department clarifies the way in which the unique challenges present in these schools are taken into account, consistent with the requirements of ESSA. In developing these changes to the draft ESSA plan, I met several times with New York City Department of Education representatives, including once with Chancellor Farina.

As you may know, the federal ESSA law differs significantly from its predecessor, No Child Left Behind (NCLB), in how it treats schools that serve special populations. Under NCLB, states were permitted to develop alternative ways to include special categories of schools, such as transfer high schools, in a state's accountability system. Under ESSA, states may "permit differentiated improvement activities that utilize evidence-based interventions" in schools serving students who are returning to school after having dropped out or who, based on their grade or age, are significantly off track to accumulate sufficient credits to graduate. However, ESSA does not permit states to exempt transfer high schools from the requirement that a state identify for Comprehensive Support and Improvement "all public schools in the State failing to graduate one third or more of their students."

Working within these constraints, last week NYSED released a revised ESSA plan that contained significant changes regarding accountability and support for transfer high schools. These changes are reflective of public comments we received. Under the revised plan, should a transfer high school be identified for Comprehensive Support and Improvement (CSI), the school will not be automatically placed into receivership if the school subsequently is unable to meet the requirements for removal from CSI status. Rather, I, as the State Education Commissioner, will partner with districts to determine the most appropriate interventions for improvement at these schools.

Further, while the federal ESSA law does not provide special exceptions for transfer high schools to meet the federally required 67-percent graduation rate NYSED plans to count 4, 5, and 6-year graduation rates in determining whether a school has met this

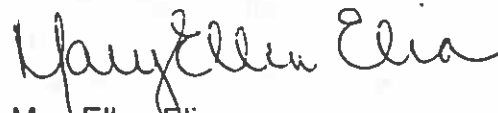
requirement. NYSED is not aware of any other states that are allowing all schools to use the results from their 4, 5, and 6-year graduation rates to meet this requirement.

In addition, I have asked NYCDOE to develop a plan in which NYCDOE will propose the metrics that should be used to determine whether transfer high schools are producing acceptable outcomes for students. I have also asked that NYCDOE propose the supports and interventions that should occur based on a transfer high school's accountability status and its performance on these agreed upon metrics.

These changes for transfer high schools will be part of our accountability work going forward. In September, we will ask the Board of Regents to submit the ESSA plan to the U.S. Department of Education. Thank you for feedback on our plan and all that you do to support New York's students. Working together, we can help ensure all New York's children are given the opportunities needed to succeed in life.

More information on our draft ESSA plan can be found on NYSED's website at: <http://www.nysed.gov/news/2017/state-education-department-releases-revised-draft-every-student-succeeds-act-plan>. If you have further questions or concerns about the revised ESSA plan, please do not hesitate to reach out to Jennifer Trowbridge in our Office of Governmental Relations at 518-486-5644.

Sincerely,

A handwritten signature in black ink that reads "MaryEllen Elia". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

MaryEllen Elia  
Commissioner

c: Members of the Board of Regents

Speaker Carl E. Heastie, Speaker of the NYS Assembly

Senator Andrea Stewart-Cousins, NYS Senate Democratic Conference Leader

Senator Carl L. Marcellino, Chairman – Senate Education Committee

Senator George Latimer, Ranking Member – Senate Education Committee

Assemblymember Catherine Nolan, Chair – Standing Committee on Education

Chancellor Carmen Farina, NYC Department of Education